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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/687,734      | 10/20/2003  | Shinsuke Kobayashi   | 03560.003369        | 9254             |

5514 7590 02/02/2005

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| EXAMINER |
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BRASE, SANDRA L

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2852

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Applicati n N .

10/687,734

Applicant(s)

KOBAYASHI ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 6-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/20/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/20/03&12/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S11, S12, S13, S14 and S15. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The disclosure is objected to because of the following informality.

On page 13, line 19, "14" should be changed to "24".

Appropriate correction is required.

***Claim Objections***

4. Claims 1-19 are objected to because of the following informalities.

On line 21 of claim 1, “member”, both occurrences, should be changed to “medium”.

On line 36 of claim 1, “said detecting unit detects” should be changed to “said output unit outputs”.

On line 21 of claim 11, “member”, both occurrences, should be changed to “medium”.

On line 4 of claim 18, “member” should be changed to “medium”.

On line 6 of claim 18, “member”, first occurrence, should be changed to “medium”.

On line 4 of claim 19, “member” should be changed to “medium”.

On line 6 of claim 19, “member”, first occurrence, should be changed to “medium”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US 6,389,247).

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7. Chung (...247) discloses an image formation apparatus comprising: a charging unit (12) for charging an image carrying member to a predetermined potential; an exposure unit (14) for exposing the image carrying member in order to form an electrostatic latent image corresponding to image information signals from an external device onto the image carrying member charged by the charging unit; a developing unit for developing the electrostatic latent image on the image carrying member with a developing agent to form a developing agent image (col. 3, lines 13-18); a transfer unit (22) for applying a transfer voltage onto a transfer member to transfer the developing agent image on the image carrying member onto a recording medium; a fixing unit comprising: a heating member (28) for thermally fixing the developing agent image onto the recording medium on which the developing agent is transferred by the transfer unit, and a pressure member (26) for transporting the recording medium while pressing the recording medium against the heating member; an output unit for outputting information related to the environment in which the image formation apparatus is disposed (col. 3, lines 38-41); a control unit (110) for providing a predetermined lowering period of temperature for reducing temperature at the fixing unit between a fixing operation for a recording medium on which a developing agent image corresponding to previous image information signals is transferred and a fixing operation for a recording medium on which a developing agent image corresponding to next image information signals has been transferred (col. 4, line 38 – col. 5, line 67); wherein the control unit sets the predetermined lowering period of temperature based on information related to the environment which the detecting unit detects (col. 5, lines 32-67). The information related to the environment is information related to the resistance of the transfer member (col. 3, lines 38-41; and col. 5, lines 39-67), where the output unit outputs information related to the resistance

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value based on the transfer voltage which is applied to the transfer member so that a constant current flows into the transfer member (col. 3, lines 30-41; and figures 2 and 4). The control unit controls the heating member to maintain a predetermined temperature during the fixing operation, and also changes the predetermined temperature based on information related to the environment output by the output unit (col. 4, line 62 – col. 5, line 67).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 6,389,247) in view of Mano et al. (US 5,801,359).

11. Chung (...247) discloses the features mentioned previously, but do not disclose the heating member comprising a film member and the heater heating a developing agent through

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the film member. Mano et al. (...359) disclose an image formation apparatus including a film member (1), which rotates while being in contact with a recording medium; and a heater member (5) for heating a developing agent image on the recording medium through the film member. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed heating member comprise the claimed film and heater, as disclosed by Mano et al. (...359), since such a heating member in a fixing unit is well known in the art to fix a developing agent image.

***Allowable Subject Matter***

12. Claims 2, 3 and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 11-17 and 19 are allowed.

***Prior Art***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishitsuji et al. (US 4,914,476), Kanazashi (US 5,138,379), Ohtsuka et al. (US 5,177,549), Kishimoto et al. (US 5,220,389), Hasegawa et al. (US 2002/0118977), Miyamoto et al. (US 6,493,521) and Cernusak et al. (US 6,389,241) disclose an image forming apparatus including an environmental sensor.

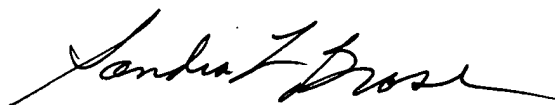
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***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is 571-272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Sandra L. Brase", with a long horizontal flourish extending to the right.

Sandra L. Brase  
Primary Examiner  
Art Unit 2852

January 27, 2005